

Express Mail Label No. _____ Dated: _____

Docket No.: 04703/0203889-US0
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Akifumi Yamada

Application No.: 10/566,113

Confirmation No.: 3702

Filed: January 24, 2006

Art Unit: 3634

For: DUAL-OPENING MECHANISM OF DOOR
(AS AMENDED)

Examiner: Not Yet Assigned

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Information Disclosure Statement is submitted in accordance with 37 C.F.R. 1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

1. This IDS should be considered, in accordance with 37 C.F.R. 1.97, as it is filed:

(Check one of the boxes A-D)

- ☐ A. Within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above-identified international application.
- ☒ B. before the mailing date of a first office action on the merits, or a first office action after filing a request for continued examination.
- ☐ C. after (A) and (B) above, but before final rejection or allowance, and Applicants have made the necessary statement in box "i" below or paid the necessary fee in box "ii" below.

(check one of the boxes "i" and "ii" below:)

- ☐ i. Counsel states that, upon information and belief, each item of information listed herein was
(check one of boxes (a) or (b))
- ☐ (a) first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- ☐ (b) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.
- ☐ ii. A check for the fee set forth in 1.17(p), presently believed to be \$180, is enclosed.
- ☐ D. after (A), (B) and (C) above, but before payment of the issue fee: Applicant petitions under 37 C.F.R. 1.97(d) for the consideration of this IDS. Under 37 CFR 1.17(i) a check in the amount of \$180.00 is enclosed. Counsel certifies that, upon information and belief, each item of information listed herein was
(check one of boxes (a) or (b))
- ☐ (a) first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- ☐ (b) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.

2. In accordance with 37 C.F.R. 1.98, this IDS includes a list (e.g., form PTO/SB/08) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. A copy of each document listed is attached, except as explained below.

(check boxes A, B and/or C and fill in blanks, if appropriate.)

- ☐ A. Pursuant to the Notice issued by the United States Patent and Trademark Office dated July 11, 2003 waiving the requirements of 37 C.F.R. § 1.98(a)(2)(i), a copy/copies of the United States Patent on PTO/SB08 is/are not being submitted.
- ☐ B. Document(s) _____ is (are) deemed substantially cumulative to document(s) _____, and, in accordance with 1.98(c), only a copy of each of the latter documents is enclosed.
- ☐ C. Certain documents were previously cited by or submitted to the Office in the following prior applications, which are relied upon under 35 U.S.C. 120:

[SERIAL NO. & FILING DATE].

Applicant identifies these documents by attaching hereto copies of the forms PTO-892, PTO-1449 and/or PTO/SB/08 from the files of the prior application(s) or a fresh PTO/SB/08 listing these documents, and request that they be considered and made of record in accordance with 1.98(d). Per 37 CFR 1.98(d), copies of these documents need not be filed in this application.

[X] 3. Cite Nos. BA, BB and BC are not in the English language. In accordance with 1.98(c), Applicant states:

- [X] An English translation of each document (or of the pertinent portions thereof), or a copy of each corresponding English-language patent or application, or English-language abstract (or claim) is enclosed.
- [X] The requirement for a concise explanation of the relevance of any foreign language document is satisfied by the attached Japanese Office Action; citation of the documents cited in the Office Action shall not be construed as an admission that they are or are considered to be, material to patentability of the subject matter claimed herein (See MPEP §609).
- [] A concise explanation of the relevance of document(s) _____ is set forth as follows: [Insert concise explanation of relevance]
- [] A concise explanation of the relevance of document(s) _____ can be found on page(s) _____ of the specification.
- [] A concise explanation of document(s) _____ can be found on the attached sheet.

[] 4. No explanation of relevance is necessary for documents in the English language (see reply to Comments 67 in the preamble to the final rules; 1135 OG 13 at 20).

[X] 5. Other information being provided for the examiner's consideration follows:

[A Japanese Office Action, mailed April 11, 2006, which issued during the prosecution of Japanese Application No. 2003-280062 which corresponds to the present application.]

6. In accordance with 37 C.F.R. 1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in §1.56 (b), or that any cited document listed or attached is (or constitutes) prior art. Unless other-wise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant reserves the right to prove that the date of publication is in fact different.

CROSS REFERENCE UNDER 37 C.F.R. (1.78 TO RELATED APPLICATIONS

Pursuant to 37 C.F.R. (1.78, Applicant notes that the above-identified patent application may be related to the following U.S. Patent Applications:

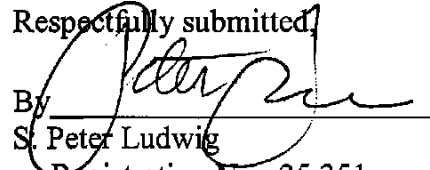
(1) U.S. Provisional Application Serial No _____, filed _____.

Early and favorable consideration is earnestly solicited.

Dated: June 20, 2006

Respectfully submitted,

By


St. Peter Ludwig

Registration No.: 25,351

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Attorneys/Agents For Applicant

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/566,113-Conf. #3702
				Filing Date	January 24, 2006
				First Named Inventor	Akifumi Yamada
				Art Unit	3634
				Examiner Name	Not Yet Assigned
Sheet	1	of	1	Attorney Docket Number	04703/0203889-USO

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	BA	JP-2001-262933-A	09-26-2001	MATSUSHITA ELECTRIC WORKS LTD	Abstract Attached	✓
	BB	JP-6-8654-U	02-04-1994	NISHIMURA CO., LTD.		✓
	BC	JP-56-70065-U	06-10-1981	HITACHI PLANT TECHNOLOGIES, LTD.		✓

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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拒絶理由通知書

特許出願の番号	特願2003-280062
起案日	平成18年 4月 3日
特許庁審査官	横井 巨人 3485 2R00
特許出願人代理人	酒井 一(外 1名) 様
適用条文	第29条第2項

この出願は、次の理由によって拒絶をすべきものである。これについて意見があれば、この通知書の発送の日から60日以内に意見書を提出して下さい。

理 由

この出願の下記の請求項に係る発明は、その出願前日本国内又は外国において頒布された下記の刊行物に記載された発明又は電気通信回線を通じて公衆に利用可能となった発明に基いて、その出願前にその発明の属する技術の分野における通常の知識を有する者が容易に発明をすることができたものであるから、特許法第29条第2項の規定により特許を受けることができない。

記 (引用文献等については引用文献等一覧参照)

請求項：1、2、3

引用文献：1、2

備考：

(1) 請求項1に対して

引用文献1には、「扉枠2(筐体)の開口両側に取り付けられた第1、第2の一对の蝶番本体3B、3B(固定側ヒンジ部)と、前記扉枠2の開口を開閉する扉1の両側に取り付けられ、前記第1、第2の一对の蝶番本体3B、3Bに対して分離可能な第1、第2の一对の蝶番本体3A、3A(可動側ヒンジ部)と、前記第1、第2の一方の蝶番本体3Aと蝶番本体3Bに抜き差し可能に挿通され、また前記第1、第2の他方の蝶番本体3Aと蝶番本体3Bに抜き差し可能に挿通され、前記各蝶番本体3A、3Aと前記各蝶番本体3B、3Bとを結合する第1、第2の一对のピン8、8(ヒンジピン)とにより構成された第1、第2の蝶番3、3(ヒンジ対)と、前記第1、第2の一对のピン8、8を連動して内側から外側に向けて直線運動し、前記各ピン8、8を前記各蝶番本体3A、3Aと前記各蝶番本体3B、3Bに抜き差し駆動する第1、第2の開閉操作手段4、4(ヒンジピン駆動機構)と、前記第1、第2の開閉操作手段4、4に作動連結され、

前記第1、第2の各ピン8、8を操作する第1、第2の操作レバー6、6（ハンドル）とを備え、前記第1又は第2の操作レバー6、6のいずれか一方を選択的に操作することにより、前記第1又は第2の蝶番3、3のいずれか一方から前記第1又は第2の一对のピン8、8のいずれか一方を抜き外し、前記第1又は第2の蝶番3、3のいずれか他方に結合された前記一对のピン8、8を回転中心として前記扉1を開閉する開閉方向可変扉の開閉操作装置（扉の両開き機構）」の発明が記載されている（「実用新案登録請求の範囲」の欄、第6頁16行～第7頁16行、及び第2図を参照）。

本願の請求項1に係る発明と引用文献1に記載された発明を対比すると、両者は、以下の点で相違し、その余の点では一致している。

（相違点）

各ヒンジ部が、本願の請求項1に係る発明では「ヒンジカール部を有している」のに対し、引用文献1に記載された発明においては、「ヒンジ部がカール部により形成されているか否かが不明である」点で相違している。

（相違点についての検討）

引用文献2は、蝶番に関するものであり、そこには「羽根板の管部をカールして形成した蝶番」の発明が記載されている（段落【0015】【0017】、及び図1を参照）。

そうすると、引用文献1に記載されている発明と引用文献2に記載されている発明は、ともに蝶番に関するものであるから、引用文献1の「ヒンジ部」を、引用文献2の「羽根板の管部をカールして形成した蝶番とする」構成を採用して、本願請求項1の「ヒンジカール部を有するヒンジ部」の構成とすることに格別の困難性はない。

（2）請求項2に対して

引用文献2には、「一方の羽根板4の中央管部28（ヒンジカール部）が、他方の羽根板2の上下管部10、12（ヒンジカール部）間に嵌入可能に構成される」ことが記載されている（段落【0018】及び図1を参照）。また、2つの部材を嵌入する際にその嵌入を容易にするために角部に案内のためのテーパー（傾斜ガイド部）を設けることは、例を示すまでもない周知の技術である。

（3）請求項3に対して

引用文献2には、「上管部10（ヒンジカール部）の内周面にブッシュ46（カラー部材）が嵌め込まれており、軸部38（ヒンジピン）の先端はテーパ状に形成されている」ことが記載されている（段落【0019】及び図2を参照）。また、部材の強度を向上するために必要箇所に焼入れ処理を施すことは、例を示すまでもない周知の技術である。

請求項：4

引用文献：1、2、3

引用文献3には、「子扉パネル3（扉）を間仕切りパネル1（筐体）の出入り

開口部2（開口面）の正位置に呼び込むときに互いに衝接する係止部4と係止受け部5（扉位置補正装置）を設ける」発明が記載されている（段落【0025】及び図5、図6を参照）。

引用文献等一覧

1. 実願昭54-152896号（実開昭56-70065号公報）のマイクロフィルム（特に、「実用新案登録請求の範囲」の欄、第6頁16行～第7頁16行、及び第2図を参照）
2. 実願平4-52170号（実開平6-8654号公報）のCD-ROM（特に、段落【0015】【0017】【0018】【0019】及び図1、図2を参照）
3. 特開2001-262933号公報（特に、段落【0025】及び図5、図6を参照）

先行技術文献調査結果の記録

- ・調査した分野 IPC第7版 E05D15/50
 E05D7/04
 E05F7/06

- ・先行技術文献 実公昭51-771号公報
 （実用新案登録請求の範囲、第3図）

この先行技術文献調査結果の記録は、拒絶理由を構成するものではない。

- ・この拒絶理由通知に関する問い合わせ先：

特許審査第一部 住環境 久保 省二
TEL. 03 (3581) 1101 内線 (3285)